



**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**Sr. No.218**

**TA-25-2024**

**Date of Decision: 13.08.2025**

**MINAKSHI**

**....Applicant**

**Versus**

**SUNNY**

**.....Respondent**

**CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. D.K. Dakoria, Advocate  
for the applicant.

None for the respondent.

\*\*\*\*\*

**ARCHANA PURI, J. (Oral)**

As observed in the order dated 07.05.2025, despite service, the respondent did not make appearance on that date. Even today, he has not made appearance. As such, the respondent is proceeded against *ex parte*.

Counsel for the applicant heard.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. DMC/651/2023, titled '*Sunny Vs. Minakshi*', filed by the respondent-husband, pending in the Family Court, Bhiwani and she seeks transfer of the same to the Court of competent jurisdiction at Gurugram.



It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 16.11.2014. One son born from the said wedlock, who is about 7 years old, is in the care and custody of the applicant. He is studying in Lady of Fatima Convent Junior School, New Colony, Gurugram, in Class KG-II. It is submitted that even though, the applicant is an employee of Haryana Police and posted as 'Constable' at Gurugram, but however, it becomes all the more difficult for her to take care of the minor school-going child and to fulfil the demands of her job. In the given circumstances, it is submitted that it is difficult for the applicant, to commute a distance of about 125 kilometres, to defend the divorce petition.

In view of the submissions aforesaid, it is pertinent to mention that though, the Courts generally lean towards the convenience of wife, while considering the transfer application relating to the matrimonial dispute, but however, it is not a thumb rule. Various other circumstances, spelt out from the material coming forth, ought to be taken into consideration and then balancing of the convenience/inconvenience of the parties concerned, is to be made. In the case in hand, though the applicant herself is an employee of Haryana Police and as such, is bound to be financially independent, but however, the employment and financial viability is one of the factors, which ought to be taken into consideration, while considering the transfer application. Besides the same, most weighing factor is custody of the son, who is about 7 years old and is school-going.

In view of the aforesaid fact situation, more particularly, considering the exigencies of job of the applicant and also considering the fact about the respondent, having not come forward to resist the application,



TA-25-2024

it is just and expedient to accept the application. Hence, the transfer application is allowed and the petition under Section 13 of the Hindu Marriage Act i.e. DMC/651/2023, titled '*Sunny Vs. Minakshi*', filed by the respondent-husband, stands transferred from the Family Court, Bhiwani, to the Court of competent jurisdiction at Gurugram. The requisite record of the aforesaid case be sent by the Family Court, Bhiwani, to the District and Sessions Judge, Gurugram.

Learned District and Sessions Judge, Gurugram, shall assign the said petition to the Family Court, Gurugram. Even, the parties are directed to appear before the Family Court, Gurugram, within a period of one month from today onwards.

**13.08.2025**  
Himanshu

**(ARCHANA PURI)**  
**JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No